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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,809	11/08/2000	Donald F. Gordon	19880003600	2490
56015	7590	02/15/2006	EXAMINER	
PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/708,809	<b>Applicant(s)</b> GORDON ET AL.	
	<b>Examiner</b> Ngoc K. Vu	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-10,12,22-30,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 29,30,32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☒ Claim(s) 1,4-10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/31/06 has been entered.

### ***Response to Arguments***

2. Applicant's reply to the restriction requirement for election without traverse to the invention of Group I, claims 1, 4-10, 12, and 22-28, and claims withdraw 29, 30, 32 and 33 from consideration was received on 1/31/06. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: it is unclear whether the limitation "transport stream generator" recited in line 11 and the limitation "transport stream generator" recited in line 15 are the same.

4. Claim 22 is objected to because of the following informalities: the limitation "and to receive the terminal-to-SM messages" in lines 10-11 is duplicated. Appropriate correction is required. The limitation "the TSG-to-SM messages" in line 11 should be changed to "the plurality of TSG-to-terminal messages" corresponding to limitation "a plurality of TSG-to-terminal messages" previously recited in line 6. Appropriate correction is required. The limitation "the terminal-to-SM message" in line 20 should be changed to "a terminal-to-SM message", "the terminal-to-SM messages", or "one of the terminal-to-SM messages". Appropriate correction is required.

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5. Claim 24 is objected to because of the following informalities: the limitation "the transport stream" in line 2 is not previously defined or it should be changed to "the transport stream generator". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logston et al. (US 5,481,542 A) in view of Coleman et al. (US 5,844,620 A).

Regarding claim 22, Logston teaches a system for communication for an interactive delivery system, comprising:

a plurality of terminals 30 to receive electronic program guide, to send a plurality of messages to SP 20 through CMC 40, the messages indicating request of one of a plurality of demand-cast stream (i.e., session set-up), and to receive a plurality of messages from CMC (i.e., session set-up acknowledge 6-7) (see figure 11; col. 7, lines 28-30);

a SP 20 to deliver electronic program guide to the terminals (see col. 24, lines 21-24; col. 28, lines 18-22; col. 22, lines 18-20), to monitor demand-cast stream usage by the terminals, to track the demand-cast stream that are acquired by at least one of the terminals (via STT status message and through CMC – see col. 23, lines 3-10), to send a plurality of messages to CMC (i.e., session provision acknowledge 5-6 as shown in figure 11 and session disconnect acknowledge 3-4 as shown in figure 12); and to receive the messages from

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terminal(s) (via session set-up as shown in figure 11), and receive the messages from CMC (i.e., session connect request 8-9 as shown in figure 11); and

a CMC 40 to generate the demand-cast stream, to maintain a status for each demand-cast stream being served (via STT status message – see col. 23, lines 3-10), to send the messages to terminal(s) (i.e., session set-up acknowledge 6-7 as shown in figure 11) and the messages to SP (i.e., session connect request 8-9 as shown in figure 11), and to receive the messages from the SP (i.e., session disconnect acknowledge 3-4 as shown in figure 12), the messages from the SP indicating whether there is no longer any terminal registered to a particular demand-cast stream (via session disconnect – see figure 12) and when there is a demand-cast stream request (session connect – see figure 11);

wherein each terminal is coupled to both the SP and the CMC via a distribution network (see figures 1-2 and col. 7, lines 11-37);

wherein the message from terminal to SP for requesting one of the demand-cast stream for requesting electronic program guide (see col. 21, lines 47-55).

Logston does not specifically teach that the terminal(s) requests a particular region of a particular IPG page being one of a plurality of IPG pages. However, Coleman teaches that a subscriber requests IPG data for future time period of a particular IPG page which is carried in a demand data stream. It is noted that the IPG data for future time period of the particular IPG page being one of a plurality of IPG pages. The IPG page includes icon portion, video portion, and a program description portion (see col. 4, lines 25-33; col. 7, lines 43-50 and figure 8; col. 19, lines 15-28; col. 20, lines 47-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Logston by including a particular region of a particular IPG page being one of a plurality of IPG pages, i.e., IPG data for

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future time period, as taught by Coleman in order to provide future scheduling information in response to a subscriber's request.

Regarding claim 23, Logston teaches that the system further comprises a plurality of local neighborhood equipment (50, 120, 122 or 124) coupled to the CMC; and a headend coupled to the SP (see figure 2).

Regarding claim 24, Logston teaches that headend is coupled to SP and CMC (see figure 2).

Regarding claim 25, Logston teaches that a plurality of distribution nodes 106 is coupled to SP and CMC (see figure 2).

Regarding claim 26, Logston teaches that the messages from CMC to terminal(s) include a list of available demand-cast streams (see col. 21, lines 37-40).

Regarding claim 27, Logston teaches that the messages from SP to CMC indicate stream released/disconnected (see figure 12).

Regarding claim 28, Logston teaches that the message from CMC to SP include a stream request (session connect request 8-9 as shown in figure 11).

### ***Allowable Subject Matter***

8. Claims 1, 4-10, and 12 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Primary Examiner  
Art Unit 2611

February 13, 2006